

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CIVIL CASE NO. 3:08cv260  
(RELATED CRIMINAL CASE NO. 3:04cr105)

VICTOR A. RITA, )  
Petitioner, )  
vs. ) O R D E R  
UNITED STATES OF AMERICA, )  
Respondent. )

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**THIS MATTER** is before the Court on the Petitioner's Request for a Certificate of Appealability. [Doc. 19].

An appeal may not be taken to the Court of Appeals from the denial of a motion pursuant to 28 U.S.C. § 2255 unless a certificate of appealability has been issued. 28 U.S.C. § 2253(c)(1)(B). Such a certificate may not issue unless "the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The Petitioner has not made such a showing in this case.

**IT IS, THEREFORE, ORDERED** that the Petitioner's Request for a Certificate of Appealability [Doc. 19] is **DENIED**.

**IT IS FURTHER ORDERED** that the Clerk of Court is **DIRECTED** to deliver a copy of this Order to the Petitioner at the following address:

Victor A. Rita, Jr.  
19614-058  
Pensacola Federal Prison Camp  
Inmate Mail/Parcels  
110 Raby Avenue  
Pensacola, FL 32509

**IT IS SO ORDERED.**

Signed: September 1, 2009



Martin Reidinger  
United States District Judge

